

REMARKS

1. The disclosure is objected to because of the following informalities:
 - a) Line 5 of the ABSTRACT should read, "... the butt --of-- the firearm. . . Appropriate correction has been made.
 - b) Line 3 of Paragraph [009] should read, "... the butt --of-- the firearm. . . Appropriate correction has been made.
 - c) Line 1 of Paragraph [019] should read, "As --seen-- in Figure 4..." Appropriate correction has been made.
2. Claims 7 and 15 are objected to because of the following informalities: Claims 7 and 15 recite "... the second side stock support member including a substantially parallel orientation relative to the second side stock support member." Appropriate correction has been made. Claims 7 and 15 now provide that "the first side stock support member including a substantially parallel orientation relative to the second side stock support member".
3. Claims 11 and 19 are objected to as claiming identical subject matter. Claim 19 includes all of the limitations of claim 11, and does include any further limitations. Appropriate correction has been made. Claims 19 and 20 have been amended.
4. Claims 1, 2, 5 - 7, and 10 11, 14, 15, 18 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 321,930 to Wunderlick. Applicant has amended Claim 1 to include limitations from Claims 2 and 3. Claims 2 and 3 have been cancelled. Applicant respectfully submits that the rejection of Claims 1, 2, 5 - 7, and 10 11, 14, 15, 18 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 321,930 to Wunderlick is moot and therefore should

be withdrawn and that Claims 1, 2, 5 - 7, and 10 11, 14, 15, 18 and 19 should be allowed.

5. Claims 3, 4, 8, 9, 12, 13, 16, 17, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over '930 to Wunderlick in view of U.S. Patent No.5, 138,786 to Fischer. It is the Examiner's position that Wunderlick discloses a gun rack comprising all of the limitations of claims 2, 7, 11, 15, and 19. Wunderlick does not disclose said side stock support members comprising apertures located near their distal ends, wherein a lock is securable through said apertures and a trigger guard of the firearm for securing the firearm to the stock support assembly. Specifically, Wunderlick does not disclose the oblong aperture according to claims 4, 9, 13, and 18. Fischer discloses a firearm support and protection device 10 comprising a stock supporting housing 18 including two vertical members 18a and 22 disposed on either side of the stock of the firearm.

The rejection is moot as to Claim 3 as Applicant has cancelled claim 3.

With regards to Claims 4, 8, 9, 12, 13, 16, 17, and 20, Applicant respectfully submits that the Examiner fails to state a proper *prima facie* case for obviousness in rejecting claims 1 - 20 under 35 U.S.C. § 103(a) as being unpatentable over Wunderlick in view of Fischer.

Three basic criteria must be satisfied before a *prima facie* case for obviousness can be established. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of two or more references. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991). The initial burden is on the examiner to provide some suggestion of the

desirability of doing what the inventor has done. MPEP, 7th ed. Revision 1, February 2000, § 706.02(j) citing *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Initially, applicant submits that the Examiner has misconstrued the teaching of Fisher. While the Examiner states, “Fischer discloses a firearm support and protection device 10 comprising a stock supporting housing 18 including two vertical members 18a and 22 disposed on either side of the stock of the firearm”, it is clear that Fischer does not support a firearm by the stock, rather Fischer teaches, that the weight of the firearm is born by the trigger guard. “It should be noted as seen in FIG. 1, when shot gun 16 is mounted within guard 10, trigger guard 16a rests on bottom flap 62 to support the weapon . . .” Fischer, col. 3, lines 12 -15. Additionally, neither Wunderlick nor Fischer teach the limitation of a “side stock support member, connected to and extending from the butt support member.”

With regards to Claims 4, 8, 9, 12, 13, 16, 17, and 20, Applicant respectfully submits that there is no motivation for combining the teachings of Wunderlick and Fischer. First, Wunderlick teaches a device that supports a firearm by the butt. Fischer discloses supporting a shotgun by the trigger guard and restricting removal of the shotgun by tabs that are formed across the bottom and top of the housing. “It should be noted as seen in FIG. 1, when shot gun 16 is mounted within guard 10, trigger guard 16a rests on bottom flap 62 to support the weapon . . .” Fischer, col. 3, lines 12 -15. There would be no motivation for combining a device that supports a firearm by the butt with a device that supports a shotgun by a trigger guard as the firearm is already supported.

Additionally, with regards to Claims 12, 13, 16, 17, and 20, Wunderlick teaches a device that supports a firearm by the butt on a platform that is pivotably mounted to a substantially vertical surface while Fischer teaches a device that is preferably mounted rigidly into a corner. “Referring to FIGS. 1 and 2, a firearm safety guard 10 embodying the principles of this invention is mounted in the corner formed by walls 12 and 14. Safety guard 10 contains a shot gun 16 with trigger

guard 16a shown in phantom. It is understood that safety guard 10 need not be mounted in corner although that is preferred for maximum security." Fischer, col. 2, lines 42 -48. There would be no motivation to combine the teachings of a device that pivotably supports a firearm by the butt with a device that rigidly supports a shotgun by a trigger guard.

Applicant respectfully submits that the rejection of Claims 3, 4, 8, 9, 12, 13, 16, 17, and 20 under 35 U.S.C. 103(a) as being unpatentable over '930 to Wunderlick in view of U.S. Patent No. 5, 138,786 to Fischer should be withdrawn and that Claims 3, 4, 8, 9, 12, 13, 16, 17, and 20 should be allowed.

6. Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.

Respectfully submitted.

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